IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6688 OF 2005

Maharashtra State Road Transport Corporation..... .... Petitioner
V/s
Shri Dnyanoba Khandu Memani..... ..... Respondent.

Office Notes, Office Memoranda of Coram, appearances Court's orders or directions and Registrar's orders.	))))	Court's or Judge's Orders

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Mr.G.S.Hegde, Adv. for the petitioner.

Mr.R.L.Nerlekar, Adv. For respondent.

CORAM: A.P. DESHPANDE, J.
20.3.2007

PC:

The respondent No.1 was working with the petitioner as a bus driver. Sometime in the year 1995, Respondent No.1 along with the Conductor working with him were found to have consumed liquor when the bus was on a night halt. They were found sleeping in the ST bus. They were scheduled to perform the duty on the next day morning. Proceeding on the basis that respondent No.1 was notionally on duty, though not actually performing it, he was proceeded against in

a departmental enquiry on the charges of misconduct for consuming liquor and sleeping in the bus. An inquiry was conducted and on recording of finding by the inquiry officer about respondent being guilty of misconduct, he was served with notice of dismissal. Respondent No.1 filed a complaint before the Labour Court. The Labour Court dismissed the complaint. Aggrieved thereby respondent filed a revision before the Industrial Court. Revisional Court having come to the conclusion that the proposed punishment was shockingly disproportionate to the act of misconduct had set aside the said punishment and in its place directed denial of three annual increments permanently for the years 2000-2001, 2001-2002 and 2002-2003. It is this order of Industrial Court which is challenged by filing the instant writ petition. What is relevant to note is that the respondent has retired from service on attaining age superannuation on 20.2.2006. Perused the order passed by the Industrial Court. Same does not suffer from any patent illegality. No interference with the order passed by the Industrial Court is called for.

Writ petition is summarily dismissed.

2. At this stage learned counsel for the petitioner has invited my attention to the operative part of the order passed by the Industrial Court and to be more precise, direction No.iv which goes to deny three annual increments permanently to respondent No.1. It is directed by the Industrial Court that if the complainant has already availed benefit of above mentioned three annual increments, the total amount towards these three increments be recovered from the complainant by making deduction in equal monthly installments from salary payable each month. Learned counsel submits that if amount is not so recovered then petitioner be permitted to deduct the said amount from the gratuity payable to the respondent. Learned counsel for the respondent in fairness has no objection to the said deduction. Hence no orders in this regard are necessary to be passed.

20.3.07.